

**Marryshow, Danielle (USANYS)**

**From:** Deborah I. Francois <deborah@shaneslaw.com>  
**Sent:** Friday, May 10, 2024 3:37 PM  
**To:** Marryshow, Danielle (USANYS); Stein, Ilan (USANYS); Oestericher, Jeffrey (USANYS)  
**Cc:** David Shanes; Tristan M. Ellis; Eleanor Davis  
**Subject:** [EXTERNAL] Aziz/Islam - Meet-and-Confer re: Document and ESI Discovery

Good afternoon counsel:

We are writing to ask for a phone conference to discuss the issues left open at the initial conference before Judge Ho. The Judge left us to discuss the availability/location of relevant documents and information, and what if anything should be done now to identify and collect them. We also need to discuss the related issue of whether security clearances or other protocols may be implicated.

We also suggest requesting a two-week extension of the deadline to give the Court a status report, which is currently due Tuesday, May 14th. Do you consent to that request?

In preparation for our call, below we have outlined categories of documents to discuss with you, in part to give you a general idea of the materials we think will be relevant to the lawsuit. We seek a dialogue with you to discuss how the relevant agencies (DOJ and FBI) maintain records, particularly in light of the age of some of the materials/information that we will seek. Please let us know when you are available next week for a phone call to discuss these issues.

Thank you,  
Deborah

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#### Substantive categories

- Documents relating to Muhammad A. Aziz (formerly known as Norman Butler and Norman 3X Butler) and/or Khalil Islam (formerly known as Thomas Johnson and Thomas 15X Johnson), including but not limited to documents relating to the investigation into and prosecution of them in connection with the murder of Malcolm X;
- Documents relating to individuals involved in the murder of Malcom X, including but not limited to William Bradley (also known as William X and Al-Mustafa Shabazz), Mujahid Abdul Halim (also known as Talmadge Hayer, Thomas Hayer, Thomas Hagan, and Thomas Hagen), Leon Davis (also known as Turk), Benjamin Thomas, and Wilbur Kinly;
- Documents relating to the murder of Malcom X and the investigation into that murder, including but not limited to documents relating to the FBI employees who took part in that investigation; documents concerning any information provided by informants, cooperators, or state or local law enforcement authorities; documents concerning any communications between the FBI and state or local law enforcement authorities concerning the Malcolm X murder; documents concerning any communications between the FBI and state prosecuting authorities concerning the Malcolm X murder; documents concerning surveillance (including electronic surveillance and wiretapping) of individuals and/or locations associated with the Nation of Islam, Organization of Afro-American Unity, and/or Muslim Mosque, Inc.; and documents concerning any discussion or decision involving or made by the FBI as to

- whether to disclose information that the FBI had received concerning the Malcolm X murder to state prosecuting authorities and/or to the attorneys representing Mr. Aziz and/or Mr. Islam;
- Documents relating to COINTELPRO and its use in connection with Black civil rights organizations, including the Nation of Islam, Organization of Afro-American Unity, and Muslim Mosque, Inc.;
  - Documents relating to investigation and/or surveillance of Elijah Muhammad, John Ali, Louis Farrakhan, and/or other Nation of Islam leaders;
  - Documents relating to Charles H. Blackwell, Jasper Davis, John Davis, Edward De Pina, Fred Williams, Vernal Temple, Cary Thomas, Ronald Timberlake, and/or George Whitney;
  - Documents relating to the Nation of Islam (including but not limited to Mosque Maryam in Chicago, Illinois; Mosque No. 7 in New York, New York; Mosque No. 25 in Newark, New Jersey; Mosque No. 76 in Paterson, New Jersey; and other Nation of Islam installations), including but not limited to any FBI surveillance of or investigation into the organization or its members;
  - Documents relating to the FBI's partnership with the NYPD and with the NYPD's intelligence unit, the Bureau of Special Services and Investigations (also known as BOSSI, BOSS, and the "Red Squad") during the 1960s, including regarding the murder of Malcolm X;
  - Documents relating to Eugene "Gene" Roberts;
  - Documents relating to any FBI informant or cooperator who provided the FBI information relating to Mr. Aziz and/or Mr. Islam or to the murder of Malcom X;
  - Documents relating to J. Edgar Hoover and unlawful activities occurring during his tenure as FBI Director, including but not limited to any related internal or external investigation(s);
  - FBI policies, directives, and operating procedures in effect during the relevant time period of 1965 through the present, including but not limited to the Manual of Rules and Regulations, the Manual of Administrative Operations and Procedures, the Manual of Instructions, and the Manual of Investigative Operations and Guidelines; and
  - Documents regarding the training, supervision, and discipline of FBI employees to ensure compliance with the above policies, directives, and operating procedures.

#### Logistical steps

- Identify where and how documents are stored (e.g., paper on-site, paper off-site, electronic, film, microfilm, cassette tape, etc.);
- Determine whether the FBI uses electronic communications (e.g., emails, online messaging systems, text messages, BlackBerry Messenger communications, etc.) to discuss work-related matters and, if so: (1) what kinds of electronic communications are used, (2) when they first began to be used, (3) how they are stored, and (4) whether there is a retention policy in place for such electronic communications;
- Begin gathering potentially relevant and responsive documents that will need to be reviewed (e.g., obtain files from long-term storage);
- Begin process of scanning paper files to create electronic versions that can be reviewed and produced; and
- Identify whether any potentially relevant and responsive documents are classified and, if yes, what level of clearance will be needed and what the process will be for obtaining that clearance for one or more members of our team.